



DEVELOPMENT SERVICES

BUILDING | HISTORIC PRESERVATION | PLANNING & ZONING

PLANNING AND ZONING BOARD STAFF REPORT

Sponsorship of Privately-initiated LDR Amendments

Meeting	File No.	Application Type
June 21, 2021	2021-180-LDR	Land Development Regulations Amendment

Request

Provide a recommendation to the City Commission on Ordinance No. 25-21, a City-initiated request to amend the Land Development Regulations (LDR) to require that at least one member of the City Commission shall sponsor a privately-initiated amendment to the LDRs at a City Commission Workshop prior to the submittal of an application for such a request.

Background Information

At its meeting of March 25, 2021, the City Commission adopted the Local Rules of Procedure that specifies that workshops may be held to discuss Commissioner sponsorship of privately-initiated amendments to the City's LDRs. The provision does not become effective until an ordinance amending the regulations is adopted.

Typically, members of the City Commission are not aware of privately-initiated requests to the amend the LDRs until they are placed on an Advisory Board meeting agenda - subsequent to City Staff spending a significant amount of time evaluating the request. While the applicant pays an application fee and all advertising costs, frequently the application fee is not proportionate to the amount of time that Staff spends analyzing the request, particularly those of more significant impact or concern because the request represents a substantial deviation from City policy and practice. Staff conducts an abundance of research to prepare the text of the amendments, searches through the LDRs to ensure all appropriate Sections impacted by the amendment are included and creates or revises the necessary maps and figures to ensure that the amendments, if adopted, are adequately addressed throughout the LDRs.

Description of Proposal

The proposed LDR amendment, to require Commissioner sponsorship, is designed to introduce a measure of control over proposed amendments that represent a substantial change in City policy by introducing feedback early in the process. This procedural change will afford staff to dedicate more time to work on City-initiated amendments that support the goals and objectives of City policy. City Commission sponsorship of privately-initiated amendments also provides applicants with a greater degree of predictability,

The proposed ordinance includes the following amendments:

- Section 1.1.6, "Amendments":
 - *Requests by a member of the public to amend the text, graphics, maps, or other information adopted as part of the LDRs must be sponsored by at least one member of the City Commission prior to the submittal of an application to request the amendment. Privately-initiated amendments to the LDRs shall be made pursuant to the provisions of Section 2.4.5(M).*
- Section 2.4.5(M), "Amendment to the Land Development Regulations":
 - *At least one member of the City Commission shall sponsor the amendment to the LDRs at a City Commission Workshop in accordance with the adopted Rules and Procedures of the City Commission.*
 - *Applications for a privately-initiated amendment shall only be made to the Development Services Department after consideration and sponsorship at a City Commission Workshop and must be submitted within 90 days of the City Commission Workshop where the amendment was sponsored.*

- *Requests must be identical to the amendment considered by the City Commission at the Workshop and shall not deviate to include additional unrelated amendments or expand to increase density or intensity, or list additional uses that were not discussed or understood to be part of the request.*

Additional edits for clarification or cleanup purposes are included in the proposed amendment.

Review and Analysis

Pursuant to **LDR Section 1.1.6(A), Amendments**, *the text of these Land Development Regulations may from time to time be amended, changed, supplemented, or repealed. No such action however, shall be taken until a recommendation is obtained from the Planning and Zoning Board and until a public hearing has been held by the City Commission. Any such change shall be made by ordinance, pursuant to procedures found in LDR Section 2.4.5(M).*

The recommendation of the Planning and Zoning Board will be provided to the City Commission, where the amendments will be reviewed at two public meetings. The anticipated review dates are July 13, 2021 and August 10, 2021 (Public Hearing).

Pursuant to **LDR Section 2.4.5(M)(1)**, *amendments to the Land Development Regulations may be initiated by the City Commission, Planning and Zoning Board or City Administration; or an individual.*

The proposed amendment is City-initiated.

Pursuant to **LDR Section 2.4.5(M)(5), Findings**, *in addition to LDR Section 1.1.6(A), the City Commission must make a finding that the text amendment is consistent with the Comprehensive Plan.*

The Always Delray Comprehensive Plan does not contain Goals, Objectives, or Policies specific to the proposed amendments. However, the following Objective generally supports the proposed language.

Neighborhoods, Districts, and Corridors Element, Objective NDC 3.5, Update Land Development Regulations

Regularly review and update the Land Development Regulations to provide timely, equitable and streamlined processes including, but not limited to, building permit processes for residential developments and to accommodate mixed-use developments, address market changes and development trends, and other innovative development practices.

The language from the Comprehensive Plan supports the proposed LDR amendments by providing an equitable and innovative development practice in how private amendments to the LDRs may be requested. The basis of the new provision is to provide the applicant more predictability regarding support for the request, and to provide the City Commission and the public, earlier awareness of such requests. Additionally, the City Commission, as a whole, will have the opportunity to provide input or suggestions on the proposal prior to public hearing, where significant input is often given to private applicants. It is important to note that prior to the Workshop meeting, such items will not have been reviewed or analyzed by staff for compliance with the applicable LDRs or Comprehensive Plan.

The requirement to obtain a sponsor from the governing body to petition for changes to an entity's development regulations is not uncommon. For example, the City of Boca Raton requires that one member of the City Council must introduce and sponsor items that require an ordinance or other action by the council. To obtain sponsorship, the applicant would be required to ask the City Manager to place the requested LDR amendment on the Workshop agenda and provide a presentation at the meeting. Proposed amendments to the LDRs that obtain at least one sponsor will be required to submit the complete application to the Development Services Department within 90 days of the workshop meeting. If the applicant fails to obtain at least one Commissioner to sponsor the request, then the proposed amendment could not move forward to an official request to amend the LDRs.

Alternative Actions

- A. Recommend **approval** to the City Commission of Ordinance No. 25-21, amending the Land Development Regulations to amend the Land Development Regulations (LDR) to require that at least one member of the City Commission shall sponsor a privately-initiated amendment to the LDRs at a City Commission Workshop prior to the submittal of an application for such a request, by finding that the amendment and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.
- B. Recommend **approval** to the City Commission of Ordinance No. 25-21, **as amended**, amending the Land Development Regulations

to amend the Land Development Regulations (LDR) to require that at least one member of the City Commission shall sponsor a privately-initiated amendment to the LDRs at a City Commission Workshop prior to the submittal of an application for such a request, by finding that the amendment as amended and approval thereof is consistent with the Comprehensive Plan and meets the criteria set forth in Land Development Regulations.

- C. Recommend **denial** to the City Commission of Ordinance No. 25-21, amending the Land Development Regulations to amend the Land Development Regulations (LDR) to require that at least one member of the City Commission shall sponsor a privately-initiated amendment to the LDRs at a City Commission Workshop prior to the submittal of an application for such a request, by finding that the amendment and approval thereof is not consistent with the Comprehensive Plan and does not meet the criteria set forth in Land Development Regulations.

Public and Courtesy Notices

Courtesy Notices are not applicable to this request

N/A Public Notices are not required for this request.